

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MIKE SHALES, JOHN BRYAN Sr., AL OROSZ, JOSEPH )  
MANN, TOBY KOTH and GORDON ANDERSON as )  
Trustees of THE FOX VALLEY LABORERS' HEALTH )  
AND WELFARE FUND, )  
) )  
and )  
) )  
MIKE SHALES, JOHN BRYAN Sr., AL OROSZ, TOBY ) Case No. 07 C 927  
KOTH, GORDON ANDERSON and DAN BREJC as )  
Trustees of THE FOX VALLEY LABORERS' PENSION )  
FUND, )  
) )  
Plaintiffs, )  
) )  
v. ) Judge Der-Yeghiayan  
NOVEL CONSTRUCTION, INC. d/b/a ADVANCED )  
FLOORING SYSTEMS, )  
) )  
Defendant. ) Magistrate Judge Keys  
)

## **MOTION FOR ENTRY OF AGREED JUDGMENT ORDER**

Plaintiffs, MIKE SHALES, JOHN BRYAN, Sr., AL OROSZ, JOSEPH MANN, TOBY KOTH and GORDON ANDERSON as Trustees of THE FOX VALLEY LABORERS' HEALTH and WELFARE FUND ("Welfare Fund") and MIKE SHALES, JOHN BRYAN Sr., AL OROSZ, TOBY KOTH, GORDON ANDERSON and DAN BREJC as Trustees of THE FOX VALLEY LABORERS' PENSION FUND ("Pension Fund") (collectively, "the Funds"), through their attorneys, Dowd, Bloch & Bennett, respectfully move this court for entry of an Agreed Judgment Order, in the form of the attached proposed order, against Defendant NOVEL CONSTRUCTION, INC. d/b/a ADVANCED FLOORING SYSTEMS, and state as follows:

1. This is a collection action against the Defendant NOVEL CONSTRUCTION, INC.

d/b/a ADVANCED FLOORING SYSTEMS (hereinafter “Defendant Company”), for delinquent reports and contributions due to employee fringe benefit funds under Section 515 of ERISA, 29 U.S.C. § 1145.

2. The Funds filed a Complaint on February 16, 2007, seeking the following relief from the Defendant Company:

- (a) That Judgment be entered in favor of the Plaintiffs and against the Defendant Company, finding that the Defendant Company is liable to the Funds for all delinquent contributions owed to date, dues, interest, liquidated damages, attorneys' fees and court costs;
- (b) That the Defendant Company be ordered to pay to Plaintiffs all delinquent contributions to date, all accrued delinquencies prior to and after the filing of this suit, interest and liquidated damages;
- (c) That the Defendant Company be ordered to pay to Plaintiffs all reasonable attorneys' fees and costs incurred in pursuing collections; and
- (d) For such other legal and equitable relief as the Court deems just and proper.

3. The Defendant Company was served with a summons and a copy of the Complaint on February 25, 2007 and its Answer is due on March 19, 2007. Return of Service for the Defendant Company was filed with the Clerk of the Court on March 5, 2007.

4. In order to prevent further litigation of this matter and to avoid accrual of additional attorneys' fees and costs, the parties reached an agreement, a term of which requires that a Judgment be entered against the Defendant Company, in the amount of \$10,896.78 for the following:

Contributions (06/06-10/06)	\$ 7,114.17
20% Liquidated Damages (06/06-11/06)	\$ 1,422.83
Attorneys' Fees & Costs	<u>\$ 2,359.81</u>
Agreed Judgment Amount	\$10,896.78

5. The parties acknowledge that the judgment amount is based solely on the employees/hours reported to the Funds by the Defendant Company for the delinquent period of June 2006 through October 2006 and the Defendant Company's representation that these reports were final as the Defendant Company is no longer doing business, and agree that nothing in the Agreed Judgment shall prevent the Funds from auditing any unaudited period and collecting any additional amounts that are determined to be due based on non-reported hours of the Defendant Company.

6. The parties have discussed the terms of this motion and the Defendant Company has had an opportunity to review the proposed Agreed Judgment Order and is in agreement with the entry of this Judgment Order.

WHEREFORE, for the reasons stated above, Plaintiffs respectfully request this Court to enter an Agreed Judgment Order against Defendant NOVEL CONSTRUCTION, INC. d/b/a ADVANCED FLOORING SYSTEMS, in the form of the attached proposed Agreed Final Judgment Order, in the amount of **\$10,896.78**.

Respectfully submitted,

/s/LaKisha M. Kinsey-Sallis  
LaKisha M. Kinsey-Sallis  
One of Plaintiffs' Attorneys

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